

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF WISCONSIN**

IN RE:	)	
ANTHONY S. RUEDA, and	)	Case No. <b>13-31910-svk</b>
JOANNA G. RUEDA	)	
	)	CHAPTER 13
DEBTORS	)	

**NOTICE AND REQUEST TO MODIFY CHAPTER 13 PLAN**

NOTICE IS HEREBY GIVEN THAT:

The Debtors have filed papers with the court requesting modification of the Chapter 13 Plan in the above case.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the court to modify the plan as proposed, or if you want the court to consider your views on the request, **then on or before 21 days after service of the notice**, you or your attorney must:

File with the court a written request for hearing which shall contain a short and plan statement of the factual and legal basis for the objection. File your written request at:

Clerk of Bankruptcy Court  
517 East Wisconsin Ave.  
Room 126  
Milwaukee, WI 53202

If you mail your request to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to:

Bankruptcy Law Office of Richard A. Check  
757 N. Broadway, Ste. 401  
Milwaukee, WI 53202

If you or your attorney, do not take these steps, the court may decide that you do not oppose the request and may enter an order modifying the plan.

Prepared By:  
Attorney Richard A. Check, Esq.  
757 N. Broadway, Suite 401  
Milwaukee, WI 53202  
Phone: 414-223-0000  
Fax: 414-223-3245  
E-mail:rickchecklaw@aol.com

## **REQUEST TO MODIFY CHAPTER 13 PLAN**

1. The Proponent of this modification is:

  X   the Debtor(s);

       the Chapter 13 Trustee (post-confirmation modifications only);

       the holder of an unsecured claim

2. This is a request to modify a Chapter 13 Plan (Select A. or B.):

A.        post-confirmation;

B.   X   pre-confirmation (Select i. or ii.);

i.        Debtor(s)/Debtor(s) attorney certifies that the proposed modification does not materially adversely affect creditors (Local Bankruptcy Rule 3015(b)); or

ii.   X   Debtor(s)/Debtor(s) attorney certifies that the proposed modification materially adversely affects only the following creditors and a copy of the proposed modification has been served on them (Local Bankruptcy Rule 3015(b)). The creditors affected are: See certificate of service.

3. The Proponent wishes to modify the Chapter 13 Plan to do the following:

\*Debtors to increase Chapter 13 plan payments to \$353.00 per month for the 60 month plan.

4. The reason(s) for the modification is/are:

\*Debtors to pay Sterling Jewelers, Inc. for the secured claim in the amount of \$4,109.79 plus 5.25% interest for the total amount of \$4,681.80 through the plan.

5. Select A. or B.

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A. \_\_\_\_ The Chapter 13 Plan confirmed or last modified on XXXX is modified as follows:

B. X The unconfirmed Chapter 13 Plan filed on September 5, 2013 is modified as follows: \*Debtors to increase plan payments to \$353.00 per month for the 60 month plan.

\*Debtors to pay Sterling Jewelers, Inc. for the secured claim in the amount of \$4,109.79 plus 5.25% interest for the total amount of \$4,681.80 through the plan.

All remaining terms and provisions of the Plan are unaffected unless specifically addressed herein. In the event of a conflict between the original Plan and the modification set forth above, the latter shall supersede and control.

**6. BY SIGNING BELOW THE PROPONENT OF THE MODIFICATION CERTIFIES THAT, AFTER REVIEW OF THE MODIFICATION AND ALL OTHER TERMS AND PROVISIONS OF THE PLAN, THOSE REMAINING TERMS AND PROVISIONS OF THE PLAN ARE CONSISTENT WITH THE PROPOSED MODIFICATIONS.**

**CERTIFICATION**

I, Attorney Richard A. Check, attorney for Debtors, certify that I have reviewed the modification proposed above with the Debtor(s), and that the Debtor(s) has/have authorized me to file it with the court.

S://  
Attorney Richard A. Check

10/3/2013  
Date

WHEREFORE, the Proponent requests that the court approve the modification

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to the Chapter 13 Plan as stated herein.

Dated October 3, 2013 in Milwaukee, WI 53202

Signature: S://  
Richard A. Check  
#10122-04  
Attorney for Debtor(s)

**CERTIFICATE OF SERVICE**

The undersigned paralegal hereby certifies that a copy of the foregoing pleading was served upon the following by first class United States Mail, postage prepaid, on or before this 3<sup>rd</sup> day of October, 2013

S://  
Nadine Relihan  
Paralegal for Attorney Richard A. Check

**Anthony and Joanna Rueda**  
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**Kay Jewels**  
5758 N. Bayshore Dr. Ste Q102  
Glendale, WI 53217

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